

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHAEL SALAZAR,

Plaintiff,

v.

No. 1:17-cv-01078 MCA/KRS

STATE OF NEW MEXICO,
NEW MEXICO CORRECTIONS DEPARTMENT,
NORTHEASTERN NEW MEXICO DETENTION CENTER,
GEO-CORP., CORIZON, AND DR. MARK E. WALDEN

Defendants.

ORDER GRANTING LEAVE TO PROCEED
IN FORMA PAUPERIS

Before the Court is Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. 3) filed in connection with his prisoner civil rights complaint. Plaintiff's financial information reflects he is unable to prepay the \$400.00 filing fee for this action. The Court will therefore grant the motion, which reduces the fee to \$350.00, and allow Plaintiff to pay in installments. 28 U.S.C. § 1915(b)(1). Ordinarily, Plaintiff would be required to make an initial partial payment of "20 percent of the greater of—(A) the average monthly deposits to the prisoner's account; or (B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint..." *Id.* However, because that amount is \$3.00 and Plaintiff has, at most, \$23.31 in his account, the Court will waive the initial partial payment. 28 U.S.C. § 1915(b)(1), (2). Plaintiff is reminded that he must still pay the \$350.00 filing fee at a later time and must make monthly payments equal to 20% of the preceding month's income credited to his inmate account. 28 U.S.C. § 1915(b)(2).

Accordingly, it is **ORDERED** that Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. 3) is **GRANTED**; and the initial partial payment is **WAIVED**.

It is **FURTHER ORDERED** that starting December 15, 2017, Plaintiff shall make monthly payments of twenty percent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.

A handwritten signature in black ink, appearing to read "Kevin Smeagel". The signature is written in a cursive, flowing style.

UNITED STATES MAGISTRATE JUDGE